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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,098	07/22/2004	Masaaki Takido	P69976USD	4006
136 7590 04/02/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
AL HASHIMI, SARAH				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,098

Applicant(s)

TAKIDO ET AL.

Examiner

SARAH AL HASHIMI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 1 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 01/08/2008.
2. Applicant's election with traverse of claims 2,3 in the reply filed on 01/08/2008 is acknowledged. The traversal is on the ground(s) that actions on the merits have been entered and the restriction is now being made. This is not found persuasive because a restriction is appropriate at any time during the prosecution process and in the case of the current application is found to be appropriate.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 2&3** are rejected under 35 U.S.C. 102(b) as being unpatentable over Bähler (5,075,195).

Bähler teaches:

Claim 2: polytetrafluoroethylene (PTFE) as a substrate of an object to be marked (col 2, line 18 and 29 "the plastics material may comprise... polytetrafluoroethylene), interlaced

fibers contained in the PTFE as a filler (col 4 lines 44-9 "further modifiers may be added to the organic plastics material, for example fillers such as ...glass fibres"); a surface of the PTFE including a fluffed portion at said marking position of the irradiated object to be marked, said fluffed portion including PTFE separated from the interlaced fibers; (according to the specification, fluffing constitutes altering the surface due to irradiation and is taught in the reference in col 7 lines 28-31 "laser irradiation at the areas of impact on the surface of the material to be marked induces a change in reflectance with a variable contrast"; a change in reflectance is a form of alteration to the irradiated surface); and the fluffed portion of the PTFE exhibiting a white-based color contrast different from that of a non-irradiated surface of the PTFE (col 3 line27 "add colorant..to the plastics object" and line 35 "additional colorants are inorganic" and line 38 "inorganic pigments are white pigments" and col 7 lines 39-41;"if an additional colorant is used, the effect marking appears, when viewed from the top and in perspective, often in the residual shade of the colorant employed" indicates that a color tone different from that of a non- irradiated surface of the PTFE to form a marking which is white when an inorganic pigment is used).

Claim 3: the interlaced fibers include a color different from the white-based color contrast of the fluffed portion to further differentiate the fluffed portion of the surface of the PTFE from the non-irradiated surface of the PTFE (col 3 line27 "add colorant..to the plastics object" and col 7 lines 39-41;"if an additional colorant is used, the effect marking appears, when viewed from the top and in perspective, often in the residual shade of the colorant employed" indicates that a color different from the white-based color

contrast of the fluffed portion to further differentiate the fluffed portion of the surface of the PTFE from the non-irradiated surface of the PTFE).

Response to Arguments

5. Applicant's arguments filed 09/26/2007 have been fully considered but they are not persuasive.

Argument 1: PTFE is the base material in the present application. Please refer to col 2 line 29 of the reference cited. PTFE is a substrate of an object to be marked.

Argument 2: PTFE of the present invention presents a marking of a white-based color contrast in a fluffed portion provided by a laser treatment as contrasted with a non-irradiated portion. Babler teaches fiber glass filler which is one of the preferred materials of the applicant and white pigments which would inherently give the claimed contrast. Thus the arguments stand do not overcome the previous or current rejections.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH AL HASHIMI whose telephone number is (571)272-7159. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272 2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either PAIR or Public PAIR. Status information for unpublished applications is available through PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SA/

/An H. Do/

Primary Examiner, Art Unit 2853